The reason urged by one of them that the owners of the landed property were the women and that the men stood only in the relation of trustees would not hold water. Even granting that position, was it consistent with the right of females as owners that *karanavans* should alienate many lands or was it the prime duty of *karanavans* ? Nowhere was it placed on record that females were the owners of lands. On the other hand, the need for partition was realised more by females than by males. The opinion of another Council member was that there was no unanimity of views on the question of partition. That was not a sound position to take up, the Member contended, as no piece of social legislation could be passed with the unanimous approval of all the persons affected by that legislation. To the position taken up by the third member that there was no general feeling in the country in favour of partition, the reply was that, out of 625 land-owning witnesses examined by the Nair Committee, 463 or 74 per cent. were for partition, 94 or 14 per cent. were for awarding maintenance to the members of the tarwad, and 557 or 88 per cent. had accepted the principle of partition. Many words were not needed to say which of the opinions was indicative of the real feeling in the country. The view put forward by the fourth member was not based on close knowledge and experience of tarwad management and was, therefore, not of much value. For, the same gentleman in some of his later utterances had favoured partition. The Member then explained the provisions of the draft Bill prepared by Mr. T. K. Velu Pillai and vetoed by Government and reiterated the grounds on which the Bill was then vetoed. In conclusion, the Member earnestly requested that urgent action be taken to stop the course of ruin to which the Nair community was drifting on account of the want of a law of partition.

*Dewan's reply.*—If Government are convinced as to the existence of a reasonable volume of public opinion in favour of the proposal for partition, the necessary action will be taken.

**35. Desirability of expunging certain portions of the Report of the Jenmi-Kudiyan Committee.**

*Mr. Thrivikramar Vasudevar* (Member, Jenmi, Padmanabhapuram Division) submitted that it was the fourth time he represented the grievances of his community on the report of the Jenmi-Kudiyan Committee. The necessity for a Committee to inquire into the working of the Jenmi-Kudiyan Regulation and the relations between the Jenmies and the Kudiyans arose out of the large volume of litigation between the two which caused the ruin of both. But, unfortunately, the impression produced was a sense of keen dissatisfaction with the report, in the minds of both Kudiyans and Jenmies. Certain portions were even highly offensive and so it had been urged on several occasions that such portions should be expunged. Their request was that another enquiry should be held and a dispassionate report called for to serve as a basis for any action to be taken by Government. The very first object of Government was to maintain cordial relations between the Kudiyans and Jenmies which had been completely frustrated by the report which, it was the earnest wish of the two parties, should not be taken up for the consideration of Government.

*Dewan's reply.*—Noted.

**36. The Legislative Council Regulation, I of 1095.**

*Mr. Ousep Devasia* (Member, Trading Classes, Changanacherry) expressed the thanks of the people for the reform of the Legislative Council, but submitted that the provisions did not go far enough to satisfy the expectations of the people. He trusted that it was only the foundation for a further instalment of reform.

*Mr. K. P. Raman Pillai, B. A. & B. L.* (Member, Quilon taluk) observed that it was significant of the abiding loyalty of Travancoreans that all were agreed that the people ought to be thankful to His Highness the Maha Raja for His Highness' parental solicitude for the welfare of the people committed to his care and his princely munificence in promoting their welfare. As it had been said, "His

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Highness' prerogatives are our greatest security and it is the duty of every loyal citizen to zealously guard and maintain them unimpaired, even at the sacrifice of his blood". The people of Travancore were deeply thankful to His Highness the Maha Raja for the rights and privileges conferred on them by the new Regulation. But there was no denying the fact that there was some public feeling in the country that the reforms granted under the new Regulation were inadequate to meet their demands. What was asked for was perhaps the ideal which the people might always have in view. There was the new democratic spirit abroad which had its origin in the marvellous progress made in the field of education in the State. The Legislative Council for Travancore was brought into existence several years before any other Native State had thought of it; and it was an admitted fact that, in point of culture, intelligence, patriotism and loyalty, the Travancorean yielded to neither the British Indian nor the native of an Indian State. Under those circumstances it was no wonder that the Regulation was being subjected to very close and searching scrutiny. The Member then urged the following points for the consideration of Government :—

(1) Section 4 of the Regulation gave discretion to Government to constitute the Council without any elected member being in it, for it ran thus :—"The Members shall have been nominated *or* elected in accordance with the rules made under these Regulations". There was nothing to prevent Government from passing a set of rules to the effect that all the non-official members of the Council shall be nominated and not elected. There should therefore be a statutory provision laying down that a certain proportion of the members shall be elected. Under clause (3) of section 4 any person "resident in Travancore" may be nominated or elected. As such, any sojourner might be made a member of the Council. That was undesirable and the Member requested that non-official seats must be confined to Travancoreans.

(2) There ought to be a non-official majority, as such a consummation would at once convert the non-official members from an irresponsible minority into a responsible majority. A non-official minority was always apt to stand up for the ideal and their idealistic discussions were likely to have a tendency to lower the practical suggestions of the officials. When non-officials were made responsible for legislation, they would rise up to the occasion and see eye to eye with Government in their difficulties and lend them their support. Their criticisms would be constructive and not destructive. A recalcitrant non-official majority could be brought under control either by the exercise of His Highness' power of veto or by resorting to the emergency clause. Though it might not be possible for Government to grant the prayer at once, it must be possible at least to make the number of non-officials equal to that of the officials and allow the official members freedom of conscience by permitting them to vote as they chose. The Member argued that, under sub-section 4, section 5, an equal division of the Council was contemplated in which case the President was authorised to exercise his casting vote. It was, therefore, necessary that the official members should be given back, what Mr. K. A. Krishna Iyengar described, "their freedom of opinion and vote".

(3) Section 10 authorised Government to make rules regarding budget discussion and interpellation. Under the rules in force the members of the Council were not permitted to move a resolution or divide the Council on any matter connected with the discussion of the budget. That would not enable any popular check being placed on the State purse. It was, therefore, highly desirable that statutory provision should be made for the privilege of budget discussion with powers to move resolutions.

(4) Rule 6 gave the members the right to ask questions on matters of public interest or importance. But the number was limited to 3 which was utterly inadequate. They should have power to put at least supplementary questions.

(5) The Member submitted that there was unfortunately no provision in the new Regulation corresponding to section 14 of Regulation V of 1073, which

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prescribed the method of passing Regulations regarding matters outside the jurisdiction of the Council. Under the old Regulation the Dewan might frame and submit to His Highness the Maha Raja Regulations regarding certain subjects which, with the Royal assent, would have the force of law. The old Regulation recognised the Dewan as the person responsible for framing any Regulation regarding such excluded subjects. It was consistent with the traditions of legislation in Travancore. He, therefore, urged that section 14 of the old Regulation be inserted in the new Regulation.

In conclusion, the Member observed that the high literacy, the inborn intelligence, the good sense and sobriety of views of the people to which ample testimony had been borne by Government demanded the grant of privileges somewhat in advance of those conferred on the people of British India by the Morley—Minto reforms of 1909.

*Mr. V. Narayana Iyer* (Member, Chirayinkil taluk) thanked the Government for the great reform of the Legislative Council, which he described as the most momentous reform next only to the boon of its creation in 1063.

He said that the people realized the very valuable privileges conferred on them by the Regulation, and assured Government that, as a matter of fact, the Regulation had not elicited any other feelings in the hearts of the vast majority of His Highness' loyal subjects than those of the profoundest gratitude to His Highness the Maha Raja and to the Dewan—His Highness' trusted minister and councillor. Unfortunately, however, for the fair name of the State, there had been some divergence of views. One of the contentions of those who held a different view was, so far as he was able to grasp it, that the Sovereign had no power to legislate independently of the Council and that, as such, the new Regulation promulgated by His Highness the Maha Raja without the aid of the Council was retrograde and unconstitutional. With the pronouncement of the well-considered opinion of the Travancore High Court Vakils' Association on that question, there should be no room for any misunderstanding. The process of reasoning that, because His Highness the Maha Raja created a Council to help and advise him in the arduous task of law-making, His Highness had lost all power to legislate direct, was illogical and was opposed to the basic principle of constitutional law. The present reform was of too high and far-reaching a character to emanate as an enactment from the Council itself. It had secured to the people opportunities for influencing Governmental actions and of discussing the State Budget itself. People's representatives in the Council might henceforward interpellate the Government on the details of administration. The allotment of money for expenditure for the various departments of the State would, in future, be made with their knowledge. Those two alone were calculated to ensure for the people that real share in the administration of the country which formed the basic foundation of genuine self-government.

There was an argument against the Regulation that it was unsatisfactory, because it provided for an official majority in the Council. There had been no greater apostle of democracy in modern times than Lord Morley, and even he, in his speech on the Reform proposals made in the House of Lords in 1908, stated as follows :—

"I do not propose to dispense with the official majority in the Viceroy's Legislative Council. If I were endeavouring to set up a Parliamentary system in India, it would be the easiest thing to convict me of bad logic for not dropping the necessity of an official majority in the Central Council".

No doubt, under the new Reform Act of 1919, a non-official majority had been conceded to the Viceroy's Council, but from the way in which its powers were circumscribed by the creation of the Council of State and the Parliamentary Standing Committee, it would be seen that the concession was more apparent than real and that an official majority was still kept up indirectly and in effect though not explicitly and in name. It was the Member's view that there must be some reserve of power somewhere in the ultimate resort.



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A Parliamentary Government was, the Member contended, wholly inapplicable to the conditions of Travancore and the only possible and efficacious substitute for a Second Chamber in an Indian State was a small official majority. If any check from the general public was deemed necessary against the abuse of power resulting from the official majority, there was the possibility of such abuse of power being exposed and mercilessly criticised in the press and on the platform.

The Member then referred to another criticism against the Regulation, namely, that the Council had not been given power to move resolutions and to ask supplementary questions and that it was not desirable to restrict the number of questions to be asked at a Session to three. That was a matter worthy of the sympathetic consideration of Government. In regard to that, however, they fully relied on the assurance given by the Dewan in his speeches delivered in the Council that the grant of further privileges would, in a large measure, depend upon the non-official members themselves.

The Member added that it was their earnest and heart-felt prayer that Government should not mistake the voice of a few for the avowed opinion of the majority, and reiterated that the heart of Travancore was still sound and that even in the days of new-fangled notions of license and liberty, she was not wholly bereft of the old-world sentiments of loyalty and gratitude.

*Dewan's reply.*—The suggestions of the Members will be carefully considered by Government.

**37. Amendment of the rules regarding the election of Jenmi members to the Legislative Council so as to afford more facilities to the members in the matter of voting.**

*Mr. Devan Vasudevan Nambiathiri* (Member, Jenmi, Kottayam Division) conveyed the grateful acknowledgments of the Jenmis for the privilege of a Member granted to the community and added that, even with that privilege, their interests would suffer when the Jenmi-Kudiyan Regulation was taken up for amendment, if the existing arrangements were to continue. For, numerically the representatives of Kudiyans were larger in the Council. The remedy suggested by the Member was that the non-officials who practically represented the Kudiyans should have only one combined vote, so as to equalise the votes of the Jenmis and the Kudiyans. He further requested that the officials should be allowed to vote as they liked and their votes should also be taken into account in counting the majority.

*Dewan's reply.*—Noted.

**38. Amendment of the Legislative Council Regulation, I of 1095, so as to make provision for a Member elected by the Kudiyans and a separate member for the Kottayam Division alone.**

*Mr. Ousep Ulahannan* (Member, Ettumanur taluk) expressed the grateful and loyal thanks of the people of the taluk for the reform of the Legislative Council and said that the majority of the agriculturists being Kudiyans enjoying the properties of Jenmis and Devaswoms, the Kudiyans should be given the privilege of representation in the Council, especially in view of such a right having been granted to the Jenmis who, numerically, were not as large as the Kudiyans. The Kudiyans might be given at least one seat for the whole State. His second request was that the Kottayam Division alone might be given at least one Member to the Council and not the Kottayam and Devicolam Divisions together as laid down in the present rules.

*Dewan's reply.*—Noted.

## (2) Civil Justice.

**39. Judicial Reforms.**

*Mr. A. Ananthapadmanabha Iyer* (Member, Parur taluk) suggested the following reforms :—

(1) Extension of Panchayat Courts and enhancement of their territorial and pecuniary jurisdictions. At present the territorial jurisdiction of the Panchayat Courts was the same as that of the Towns under the Towns Conservancy and Improvement Regulation and that did not benefit the people much or afford relief to the Munsiffs. More courts should be established in rural areas with powers of control

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